

S. No. 172
Before Notice Matters

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

IA No. 2/2006 [1769/2006]
In OWP No. 141/2003

Mohd Shafi Dar

.....Petitioner(s)

Through: None.

V/s

State of J&K and anr.

..... Respondent(s)

Through: None,.

CORAM:

Hon'ble Mr. Justice Sanjay Dhar, Judge.

ORDER
22.03.2022

Vide judgment and order dated 19.10.2006 passed by this Court in OWP No. 141/2003, the following directions came to be passed:

- a) The Financial Commissioner's impugned order is maintained only to the extent of oversetting the mutation No. 4399 of Rawalpura Estate (Akhada Basimia) attested on 21.11.1993.
- b) The District Magistrate's order dated 22.10.2002 is set aside. The land in question is, however deemed to be in his custody by force of S.4 of the Act. He is directed to proceed ahead in terms of S. 5 of the Act in respect of the land measuring 28 Kanals 7 Marlas situated at Rawalpura estate under Survey Nos. 12, 13, 14, 11, 117 and 122 after hearing the tenants thereof, if any. While doing so, he shall be at liberty to take a view, well founded in law, regarding any power of attorney attributed to them, and its application with relation to any

- claim of the change in possession if alleged, particularly in view of the agrarian nature, of the most of land in question.
- c) The Revenue Secretary of the State is directed to identify the Revenue Officer who attested mutation No. 4399 above mentioned, and conduct a departmental enquiry into circumstances attending attestation of this mutation, and report follow up action within three months from now.
- d) The SSP Crime Branch is directed to register a case in the matter and investigate into the factum of the powers of attorney attributed to “Dashmani Akhada” and tenants of land in question claimed by the holders thereof namely Mohd Yousuf Kouchaie and Mohd Yaqoob Shah, and other circumstances leading to attestation of the above said mutation and report action taken within three months.
- e) Copies of the order be forwarded to the Chief Secretary, Revenue Secretary, Law Secretary, Financial Commissioner, Divisional Commissioner Kashmir, Deputy Commissioner Budgam and SSP Crime Branch for assuring compliance of the order and to petitioner society as also to the head of “Dashmani Akhada” and tenants above said for information.

In compliance to the afore quoted judgment and order, it seems that the action taken report have not been submitted by Chief Secretary, Revenue Secretary, Law Secretary, Financial Commissioner, Divisional Commissioner Kashmir, Deputy Commissioner Budgam

and SSP Crime Branch, though copies of the judgment and order were forwarded to the aforesaid authorities. Since a long time has elapsed from the date of passing of the judgment and order, the Registry is directed to forward copies of the judgment and order to the aforesaid authorities seeking action taken report by them.

List on 18.05.2022.

SRINAGAR
16.03.2022
"Aasif"

